

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**KEVIN GAMBLE,**

**Plaintiff,**

**v.**

**9:05-CV-1097**

**J. ISAACS, Officer, Elmira Correctional Facility,**

**Defendant.**  
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**THOMAS J. McAVOY**  
**Senior United States District Judge**

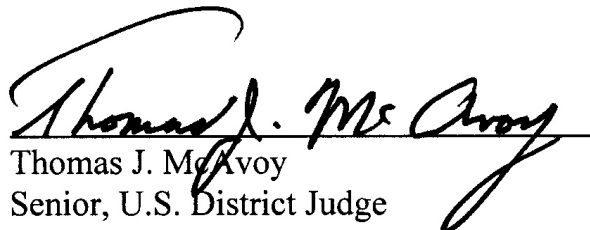
**DECISION and ORDER**

This matter brought pursuant to 42 U.S.C. § 1983 was referred to the Honorable Gustave J. Di Bianco, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rules N.D.N.Y. 72.3(c).

No objections to the April 19, 2006 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein and Defendant's motion to dismiss is DENIED and this matter shall be TRANSFERRED to the Western District of New York.

IT IS SO ORDERED.

Dated: June 23, 2003

  
Thomas J. McAvoy  
Senior, U.S. District Judge